

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 04-30208-KPN

BRADFORD C. COUNCILMAN,)
Plaintiff,)
v.)
)
ALIBRIS, INC.,)
MICHAEL WARCHUT,)
PETER KROTKOV,)
Defendants)

**ASSENTED-TO MOTION TO EXTEND TIME
TO ANSWER OR OTHERWISE RESPOND TO COMPLAINT**

Defendant Peter Krotkov ("Krotkov") hereby moves to extend the time for him to answer or otherwise respond to the Complaint in this action until thirty days after Plaintiff provides notice to Defendants Alibris, Warchut and Krotkov of a ruling by the United States Court of Appeals for the First Circuit in the case of United States v. Bradford C. Councilman, No. 03-1383. As grounds for this motion, Krotkov states as follows:

1. Defendants Alibris and Warchut filed a Notice of Removal of the present action with this Court on October 22, 2004. Pursuant to Federal Rule of Civil Procedure 81(c), the Defendants' time to answer or present other defenses or objections would run "within 20 days after the receipt through service or otherwise of a copy of the initial pleading setting forth the claim for relief upon which the action or proceeding is based, or within 20 days after the service of summons upon such

initial pleading, then filed, or within 5 days after the filing of the petition for removal, whichever period is longest."

2. Prior to removal to this Court, Plaintiff, for the reasons set forth in the Assented-To Motion to Extend Time to Answer or Respond to Complaint, filed when this matter was pending in the Superior Court, a copy of which is attached hereto as Exhibit A, agreed to an extension for Defendants to answer or otherwise respond to Plaintiff's Complaint until thirty days after Plaintiff provides notice to Defendants of a ruling by the United States Court of Appeals for the First Circuit in the case of United States v. Bradford C. Councilman, No. 03-1383. See Exhibit A.

3. Defendants Alibris and Warchut filed a similar Assented-To Motion to Extend Time to Answer or Otherwise Respond to this action on November 1, 2004.

WHEREFORE, with the assent of Plaintiff, Defendant Krotkov respectfully requests that this Court allow the agreed upon extension of the time within which Defendants must file responsive pleadings to Plaintiff's Complaint and extend the time for Krotkov to answer or otherwise respond to the Complaint in this action until thirty days after Plaintiff provides notice to Defendants of a ruling by the United States Court of Appeals for the First Circuit in the case of United States v. Bradford C. Councilman, No. 03-1383.

Respectfully submitted,
DEFENDANT PETER KROTKOV
By His Attorney,

Dated: November 8, 2004

/s/ C. Jeffrey Kinder
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Assented to:
Plaintiff, BRADFORD C. COUNCILMAN
By His Attorney:

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Dated: November 8, 2004
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